

IC 14-32-5

Chapter 5. Powers and Duties of Districts

IC 14-32-5-1

General powers

Sec. 1. (a) A district constitutes a governmental subdivision of the state and a public body corporate and politic exercising public powers.

(b) A district may do the following:

(1) Carry out soil erosion and water runoff preventive and control measures within the district, including engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and the measures listed in IC 14-32-1-1(7) and IC 14-32-1-1(8), on the following:

(A) Land owned or controlled by the state with the consent and cooperation of the agency administering and having jurisdiction of the land.

(B) Any other land within the district upon obtaining the consent of the occupier of the land or the necessary rights or interests in the land.

(2) Construct, improve, operate, and maintain the structures that are necessary or convenient for the performance of any of the operations authorized in this article.

(3) Cooperate or enter into agreements with, and within the limits of appropriations made available to the district by law to furnish financial or other aid to, a federal, state, or other agency or an occupier of land within the district in the carrying on of conservation operations within the district, subject to the conditions that the supervisors consider necessary to advance the purpose of this article.

(4) Obtain options upon and acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, real or personal property or rights or interests in property.

(5) Maintain, administer, and improve property acquired, receive income from the property, and expend the income in carrying out this article.

(6) Sell, lease, or otherwise dispose of property or interests in property in furtherance of this article.

(7) Make available to land occupiers within the district, on terms that the district prescribes:

(A) agricultural and engineering machinery and equipment;

(B) fertilizer;

(C) seeds;

(D) seedlings;

(E) other material or equipment; and

(F) services from the district;

that will assist in conserving the soil and water resources of the land occupiers.

(8) Develop or participate in the development of comprehensive plans for the proper management of soil and water resources

within the district that specify the acts, procedures, performances, and avoidances necessary or desirable for the effectuation of the plans.

(9) Publish plans and information developed under subdivision (8) and bring the plans and information to the attention of land occupiers within the district.

(10) Take over, with the consent of the United States or the state, by purchase, lease, or otherwise, and administer any soil and water conservation, erosion control, water quality protection, or flood prevention project of the entity located within the district's boundaries.

(11) Manage, as agent of the United States or the state, any soil and water conservation, erosion control, water quality protection, flood prevention, or outdoor recreation project within the district's boundaries.

(12) Act as agent for the United States or the state in connection with the acquisition, construction, operation, or administration of any soil and water conservation, erosion control, water quality protection, flood prevention, or outdoor recreation project within the district's boundaries.

(13) Accept donations, gifts, and contributions in money, services, materials, or otherwise from the United States and use or expend the services, materials, or other contributions in carrying on the district's operations.

(14) Sue and be sued in the name of the district.

(15) Have perpetual succession unless terminated as provided in this article.

(16) Make and execute contracts and other instruments necessary or convenient to the exercise of the district's powers.

(17) Adopt rules and regulations consistent with this article to carry into effect the purposes and powers of this article.

(18) Require an occupier of land not owned or controlled by the state, as a condition to extending benefits under this article to or the performance of work upon the land, to do either or both of the following:

(A) Make contributions in money, services, materials, or otherwise to an operation conferring benefits.

(B) Enter into agreements or covenants concerning the use and treatment of the land that will tend to:

(i) prevent or control soil erosion;

(ii) achieve water conservation and water quality protection; and

(iii) reduce flooding;

on the land.

(19) Cooperate with the state in the following:

(A) Conducting surveys, investigations, and research relating to the character of soil erosion and water losses and the preventive and control measures needed.

(B) Publishing the results of the surveys, investigations, or research.

- (C) Disseminating information concerning the preventive and control measures.
- (20) Cooperate with the state in conducting, within the district, soil and water conservation, erosion control, water quality protection, and flood prevention demonstration projects:
 - (A) on land owned or controlled by the state with the agency administering and having jurisdiction of the land; and
 - (B) on any other land upon obtaining the consent of the occupier of the land or the necessary rights or interests in the land.
- (21) Serve as the management agency for:
 - (A) the erosion and sediment part of 33 U.S.C. 1288 (P.L. 92-500, section 208); and
 - (B) other erosion and sediment reduction programs that affect water quality in each county.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.28.

IC 14-32-5-2

Inapplicable provisions

Sec. 2. A provision concerning the acquisition, operation, or disposition of property by other public bodies does not apply to a district unless the provision specifically states that the provision applies.

As added by P.L.1-1995, SEC.25.

IC 14-32-5-3

Bids, proposals, or quotations submitted by a trust

Sec. 3. If:

- (1) a district disposes of real property or awards a contract for the procurement of property by acceptance of bids, proposals, or quotations; and
- (2) a bid, proposal, or quotation is submitted by a trust (as defined in IC 30-4-1-1(a));

the bid, proposal, or quotation submitted by the trust must identify each beneficiary of the trust and each settlor empowered to revoke or modify the trust.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.29.

IC 14-32-5-3.5

Certificate of organization; rebuttable presumption of establishment of district

Sec. 3.5. (a) In an action or proceeding that:

- (1) relates to; or
- (2) involves the validity or enforcement of;

a contract, proceeding, or action of a district, proof of the issuance of a certificate of organization to the district by the secretary of state creates a rebuttable presumption of the establishment of the district under this article or IC 13-3-1 (before its repeal).

(b) A copy of a certificate of organization that was issued to a district and certified by the secretary of state is:

- (1) admissible in evidence in an action or proceeding referred to in subsection (a); and
- (2) proof of the filing and contents of the certificate.

As added by P.L.136-1997, SEC.30.

IC 14-32-5-4

"Landfill" defined; inspection

Sec. 4. (a) As used in this section, "landfill" means a facility where solid waste is to be disposed of through placement on or beneath the surface of the ground. However, the term does not include any of the following:

- (1) A land application operation regulated under 327 IAC 6.
- (2) A surface impoundment.
- (3) An injection well.
- (4) A facility for the disposal of solid waste other than sludge from a municipal wastewater treatment plant that is:
 - (A) generated at the site of the facility; or
 - (B) generated by the owner or operator of the facility.
- (5) An operation permitted under IC 14-34.

(b) As used in this section, "underground injection" means the subsurface emplacement of fluids through:

- (1) a bored, drilled, or driven shaft; or
- (2) a dug hole, the depth of which is greater than the hole's largest surface dimension.

(c) A district shall inspect every landfill located within the boundaries of the district for compliance with rules adopted under IC 13-18 or IC 13-19 concerning erosion and sediment control. Each landfill shall be inspected under this section at least two (2) times each calendar year as follows:

- (1) One (1) time before July 1.
- (2) One (1) time after June 30 and before December 31.

(d) Not later than ten (10) days after an inspection of a landfill under this section, the individual who conducted the inspection on behalf of the district shall prepare a written report on the results of the inspection and send the report to the following:

- (1) The executive of the county.
- (2) The commissioner of the department of environmental management.
- (3) The director of the division of soil conservation.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.31.

IC 14-32-5-5

Prohibited actions

Sec. 5. A district may not do any of the following:

- (1) Exercise the right of eminent domain.
- (2) Incur indebtedness beyond available money.
- (3) Issue bonds.

(4) Take contributions by exactions or persuasions. However, the district may accept voluntary contributions from any source if the following conditions are met:

(A) The donations are offered for the sole and exclusive purpose of promoting soil and water conservation within the district.

(B) The district satisfactorily guarantees to the donors the faithful use of the donations for that purpose.

(5) Engage in:

(A) the marketing of farm products; or

(B) the buying and selling of farm supplies;

other than those products or supplies used or needed directly or indirectly in soil and water conservation work.

(6) Engage in agricultural research or agricultural extension teaching except in cooperation with Purdue University.

(7) Levy taxes.

(8) Make or levy benefit assessments or any other kind of assessments.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.32.

IC 14-32-5-6

Cooperation among districts

Sec. 6. Districts organized under this article or IC 13-3-1 (before its repeal) may cooperate with each other in carrying on the work of the districts. However, this section does not permit the transfer of authority or powers from one (1) district to another.

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.33.

IC 14-32-5-7

State agencies and governmental subdivisions cooperating with districts

Sec. 7. (a) An:

(1) agency of the state; or

(2) county or other governmental subdivision of the state;

that has jurisdiction over or is charged with the administration of publicly owned land lying within the boundaries of a district shall cooperate to the fullest extent with the district to effect programs and operations undertaken by the district under this article.

(b) The district shall be given free access to enter and perform work upon the publicly owned land referred to in subsection (a).

As added by P.L.1-1995, SEC.25. Amended by P.L.136-1997, SEC.34.

IC 14-32-5-8

Appropriations

Sec. 8. The fiscal body of each county that contains a district in whole or in part may appropriate money for the use of the district serving the county from which the appropriation is to be made.

As added by P.L.1-1995, SEC.25.